

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)
)
 v.) CR. NO. 2:08CR57-MEF
)
DOUGLAS EUGENE MARTIN)

MOTION TO CONTINUE HEARING

Comes now the United States of America, by and through Leura G. Canary, United States Attorney for the Middle District of Alabama, and respectfully requests that the hearing scheduled by the Court for April 23, 2008, at 9:00 am on the Defendant's Motion to Revoke or Amend the Magistrate's Pretrial Detention Order and Magistrate's Denial of Defendant's Motion for Reconsideration of Bond be continued until 1:00 pm or later on April 28, 2008, or any time on April 29, 2008. In support of this motion the United States states the following:

1. On April 17, 2008, the Court issued an order setting a hearing for April 23, 2008, at 9:00 am on Defendant's Motion to Revoke or Amend the Magistrate's Pretrial Detention Order and Magistrate's Denial of Defendant's Motion for Reconsideration of Bond.

2. The only witness for the United States at the detention hearing held on March 21, 2008, was the case agent, Special Agent Jennifer Rudden of the Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF"). The Defendant's motion claims to have new

evidence to present that is relevant to information which Special Agent Rudden testified about at the March 21, 2008, hearing. The United States expects that it will be necessary for Special Agent Rudden to testify at the hearing on the Defendant's motion.

3. Special Agent Rudden will be out of the state of Alabama on ATF assigned special duty the week of April 21-25, 2008, and unavailable. Special Agent Rudden will be back in Montgomery and available to testify starting Monday, April 28, 2008.

4. In order to allow for Special Agent Rudden's presence at the hearing on the Defendant's motion, the United States requests that the hearing now scheduled for April 23, 2008, at 9:00 am, be continued until 1:00 pm or later on Monday, April 28, 2008, or any time on Tuesday, April 29, 2008.

5. The undersigned has consulted with David Luker, Esq., attorney for the defendant, and he does not oppose a continuance of the hearing until Monday, April 28, 2008, at 1:00 pm or later, or any time on Tuesday, April 29, 2008, when he has indicated he is available.

Respectfully submitted this the 18st day of April, 2008.

LEURA G. CANARY
UNITED STATES ATTORNEY

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CERTIFICATE OF SERVICE

I hereby certify that on April 18, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to David Luker, Esq, attorney for the defendant.

Respectfully submitted,

LEURA G. CANARY
UNITED STATES ATTORNEY

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